

AMENDED IN SENATE JUNE 1, 2010  
AMENDED IN ASSEMBLY JANUARY 13, 2010  
AMENDED IN ASSEMBLY JANUARY 4, 2010  
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 584**

---

---

**Introduced by Assembly Member Huber**

February 25, 2009

---

---

An act to add and repeal Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 584, as amended, Huber. Neighborhood electric vehicles.

Existing law defines “low-speed vehicle” for purposes of the Vehicle Code as a motor vehicle, other than a motortruck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver’s license. A low-speed vehicle is also known as a neighborhood electric vehicle. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway

is an infraction punishable by a fine not exceeding \$100. Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle transportation plan and authorizes, until January 1, 2013, the County of Orange to establish a neighborhood electric vehicle transportation plan for the Ranch Plan Planned Community in that county. A person operating a neighborhood electric vehicle in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill, until January 1, 2016, would authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, jointly or individually, to establish a similar neighborhood electric vehicle plan, and would make a person in violation of certain provisions subject to the same penalties. The bill would require a report to the Legislature by January 1, 2015. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 8.1 (commencing with Section 1966) is  
2 added to Division 2.5 of the Streets and Highways Code, to read:

3  
4 CHAPTER 8.1. NEIGHBORHOOD ELECTRIC VEHICLE  
5 TRANSPORTATION PLAN FOR THE COUNTY OF AMADOR AND THE  
6 CITIES OF JACKSON, SUTTER CREEK, AND AMADOR CITY

7  
8 1966. It is the intent of the Legislature, in enacting this chapter,  
9 to authorize the County of Amador and the Cities of Jackson, Sutter  
10 Creek, and Amador City to establish a neighborhood electric  
11 vehicle (NEV) transportation plan. The purpose of this NEV  
12 transportation plan is to further the vision of creating a sustainable  
13 development that reduces gasoline demand and vehicle emissions  
14 by offering a cleaner, more economical means of local

1 transportation within the plan area. It is the further intent of the  
2 Legislature that this NEV transportation plan be designed and  
3 developed to best serve the functional travel needs of the plan area,  
4 to have the physical safety of the NEV driver's person and property  
5 as a major planning component, and to have the capacity to  
6 accommodate NEV drivers of every legal age and range of skills.

7 1966.1. The following definitions apply to this chapter:

8 (a) "Plan area" means any portion of the unincorporated area  
9 of the County of Amador, and of the Cities of Jackson, Sutter  
10 Creek, and Amador City, and any streets and roads under the  
11 jurisdiction of any of those entities, to the extent the entity has  
12 adopted a NEV transportation plan pursuant to Section 1966.2,  
13 including the privately owned land of any owner that consents to  
14 its inclusion in the plan.

15 (b) "Neighborhood electric vehicle" or "NEV" means a  
16 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

17 (c) "NEV lanes" means all publicly or privately owned facilities  
18 that provide for NEV travel including roadways designated by  
19 signs or permanent markings which are shared with pedestrians,  
20 bicyclists, and other motorists in the plan area.

21 1966.2. (a) The County of Amador, and the Cities of Jackson,  
22 Sutter Creek, and Amador City, jointly, or any of these entities  
23 individually, may, by ordinance or resolution, adopt a NEV  
24 transportation plan for the plan area.

25 (b) The transportation plan shall have received a prior review  
26 and the comments of the Amador County Transportation  
27 Commission and any agency having traffic law enforcement  
28 responsibilities in an entity adopting a plan.

29 (c) The transportation plan may include the use of a state  
30 highway, or any crossing of the highway, subject to the approval  
31 of the Department of Transportation.

32 1966.3. The transportation plan shall include, but need not be  
33 limited to, all of the following elements:

34 (a) Route selection, which includes a finding that the route will  
35 accommodate NEVs without an adverse impact upon traffic safety,  
36 and will consider, among other things, the travel needs of  
37 commuters and other users.

38 (b) Transportation interfacing, which shall include, but not be  
39 limited to, coordination with other modes of transportation so that

1 a NEV driver may employ multiple modes of transportation in  
2 reaching a destination in the plan area.

3 (c) Provision for NEV-related facilities, including, but not  
4 limited to, special access points, special NEV turnouts, and NEV  
5 crossings.

6 (d) Provisions for parking facilities at destination locations,  
7 including, but not limited to, community commercial centers, golf  
8 courses, public areas, and parks.

9 (e) Provisions for special paving, road markings, signage, and  
10 striping for NEV travel lanes, road crossings, parking, and  
11 circulation, as appropriate.

12 (f) Provisions for NEV electrical charging stations.

13 (g) NEV lanes for the purposes of the transportation plan shall  
14 be classified as follows:

15 (1) Class I NEV routes provide for a completely separate  
16 right-of-way for the use of NEVs.

17 (2) Class II NEV routes provide for a separate striped lane  
18 adjacent to roadways with speed limits of 55 miles per hour or  
19 less.

20 (3) Class III NEV routes provide for shared use by NEVs with  
21 conventional vehicle traffic on streets with speed limits of ~~55~~ 35  
22 miles per hour or less.

23 1966.4. If an entity adopts a NEV transportation plan for the  
24 plan area pursuant to Section 1966.2, it shall do both of the  
25 following:

26 (a) Establish minimum general design criteria for the  
27 development, planning, and construction of separated NEV lanes,  
28 including, but not limited to, the design speed of the facility, the  
29 space requirements of the NEV, and roadway design criteria, if  
30 the plan envisions separated NEV lanes.

31 (b) In cooperation with the department, establish uniform  
32 specifications and symbols for signs, markers, and traffic control  
33 devices to control NEV traffic; to warn of dangerous conditions,  
34 obstacles, or hazards; to designate the right-of-way as between  
35 NEVs, other vehicles, and bicycles, as may be applicable; to state  
36 the nature and destination of the NEV lane; and to warn  
37 pedestrians, bicyclists, and motorists of the presence of NEV  
38 traffic.

1 1966.5. If an entity adopts a NEV transportation plan for the  
2 plan area pursuant to Section 1966.2, it shall also adopt all of the  
3 following as part of the plan:

4 (a) NEVs eligible to use NEV lanes shall meet the safety  
5 requirements for low-speed vehicles as set forth in Section 571.500  
6 of Title 49 of the Code of Federal Regulations.

7 (b) Minimum safety criteria for NEV operators, including, but  
8 not limited to, requirements relating to NEV maintenance and  
9 NEV safety. Operators shall be required to possess a valid  
10 California driver's license and to comply with the financial  
11 responsibility requirements established pursuant to Chapter 1  
12 (commencing with Section 16000) of Division 7 of the Vehicle  
13 Code.

14 (c) (1) Restrictions limiting the operation of NEVs to NEV  
15 routes identified in the transportation plan, and allowing only those  
16 NEVs that meet the safety equipment requirements specified in  
17 the plan to be operated on those routes.

18 (2) Any person operating a NEV in the plan area in violation  
19 of this subdivision is guilty of an infraction punishable by a fine  
20 not exceeding one hundred dollars (\$100).

21 1966.6. (a) ~~If the County of Amador and the Cities of Jackson,~~  
22 ~~Sutter Creek, and Amador City~~ *any of the entities described in*  
23 *subdivision (a) of Section 1966.2* adopt a NEV transportation plan  
24 pursuant to this chapter, ~~the county~~ *adopting entity or entities* shall  
25 submit a report to the Legislature on or before January 1, 2015, in  
26 consultation with the Department of Transportation, the Department  
27 of the California Highway Patrol, and local law enforcement  
28 agencies.

29 (b) The report shall include all of the following:

30 (1) A description of the NEV transportation plan and its elements  
31 that have been authorized up to that time.

32 (2) An evaluation of the effectiveness of the NEV transportation  
33 plan, including its impact on traffic flows and safety.

34 (3) A recommendation as to whether this chapter should be  
35 terminated, continued in existence applicable solely to the County  
36 of Amador and the Cities of Jackson, Sutter Creek, and Amador  
37 City, or expanded statewide.

38 1966.7. ~~This section~~ *chapter* shall remain in effect only until  
39 January 1, 2016, and as of that date is repealed, unless a later

1 enacted statute, that is enacted before January 1, 2016, deletes or  
2 extends that date.

3 SEC. 2. Section 21251 of the Vehicle Code is amended to read:

4 21251. Except as provided in Chapter 7 (commencing with  
5 Section 1963), Chapter 8 (commencing with Section 1965), and  
6 Chapter 8.1 (commencing with Section 1966) of Division 2.5 of  
7 the Streets and Highways Code, and Sections 4023, 21115, and  
8 21115.1, a low-speed vehicle is subject to all the provisions  
9 applicable to a motor vehicle, and the driver of a low-speed vehicle  
10 is subject to all the provisions applicable to the driver of a motor  
11 vehicle or other vehicle, when applicable, by this code or another  
12 code, with the exception of those provisions that, by their very  
13 nature, can have no application.

14 SEC. 3. Section 21260 of the Vehicle Code is amended to read:

15 21260. (a) Except as provided in paragraph (1) of subdivision  
16 (b), or in an area where a neighborhood electric vehicle  
17 transportation plan has been adopted pursuant to Chapter 7  
18 (commencing with Section 1963), Chapter 8 (commencing with  
19 Section 1965), or Chapter 8.1 (commencing with Section 1966)  
20 of Division 2.5 of the Streets and Highways Code, the operator of  
21 a low-speed vehicle shall not operate the vehicle on any roadway  
22 with a speed limit in excess of 35 miles per hour.

23 (b) (1) The operator of a low-speed vehicle may cross a roadway  
24 with a speed limit in excess of 35 miles per hour if the crossing  
25 begins and ends on a roadway with a speed limit of 35 miles per  
26 hour or less and occurs at an intersection of approximately 90  
27 degrees.

28 (2) Notwithstanding paragraph (1), the operator of a low-speed  
29 vehicle shall not traverse an uncontrolled intersection with any  
30 state highway unless that intersection has been approved and  
31 authorized by the agency having primary traffic enforcement  
32 responsibilities for that crossing by a low-speed vehicle.

33 SEC. 4. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

O